

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MICHAEL A. BROWN,	§
	§
Defendant Below,	§ No. 94, 2022
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§ Cr. ID No. 0412008486 (N)
	§
Appellee.	§

Submitted: April 21, 2022

Decided: June 1, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **MONTGOMERY-REEVES**, Justices.

ORDER

After careful consideration of the appellant’s opening brief, the appellee’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s order summarily dismissing the appellant’s fifth motion for postconviction relief and the Superior Court’s order denying the appellant’s motion for relief pursuant to the law of the case doctrine. The appellant’s new claim on appeal that an unspecified item stolen in one of the robberies contained DNA of a third party does not satisfy his burden of pleading with particularity new evidence of actual innocence to overcome the procedural bars

of Superior Court Criminal Rule 61.¹ We warn the appellant that if he continues to file appeals from untimely and repetitive motions for postconviction relief, he will be enjoined from filing future appeals without leave of the Court.

NOW, THEREFORE, IT IS ORDERED that motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

¹ Del. Super. Ct. Crim. R. 61(d)(2)(i).